

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DR. HANSEL M DeBARTOLO)	
)	
Plaintiff,)	
)	Case No. 07 C 7179
v.)	
SUBURBAN TEAMSTERS OF NORTHERN)	JUDGE ZAGEL
ILLINOIS WELFARE FUND)	MAGISTRATE JUDGE KEYS
)	
Mutual Group.)	

PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Plaintiff, DR. HANSEL M DeBARTOLO ("DeBartolo"), by and through his attorney, THE LAW OFFICE OF STUART P. KRAUSKOPF, MOVES THIS Honorable Court to deny Defendant's motion to dismiss. In support of this Motion, Plaintiff states as follows:

1. Plaintiff filed his Complaint against Defendant on December 21, 2007. See Docket entry document number 1.
2. Plaintiff's Complaint alleges in paragraph 9 of Count I that a participant in the Welfare Fund assigned his rights to benefit payments to Plaintiff. See Docket entry document number 1.
3. Plaintiff seeks payment from the Welfare Fund in the amount of \$8,503.99, as an Assignee pursuant to the Assignment. See Docket entry document number 1, paragraph 11.
4. In Count II, Plaintiff seeks monetary relief due to Defendant's failure to provide Plaintiff with certain information.

5. Plaintiff's right to payment is predicated on an assignment of benefits from the participant. The language of such assignment states: "I assign my medical benefits and rights from Teamsters Local No. 142 to Dr. H.M. DeBartolo Jr., for services rendered." Attached as Exhibit A hereto.
6. Defendant and Teamsters Local No. 142 are the same entity.
7. Plaintiff's Assignment is valid and as such Plaintiff is a "beneficiary" under ERISA.

WHEREFORE, Plaintiff requests that this Honorable Court deny Defendant's motion to dismiss the Complaint.

Respectfully submitted,

s/ STUART P. KRAUSKOPF
Stuart P. Krauskopf

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